

Herbert Smith

03-12501

Michelle Rynne  
Clerk To The Honorable Douglas P. Woodlock  
United States District Court, District of Massachusetts  
John Joseph Moakley U.S. Courthouse  
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Boston  
Massachusetts 02210

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Our ref  
2478/5888/30872492  
Your ref

Date  
23 May 2007

Dear Madam,

**John Hancock Life Insurance Company and Others v Abbott Laboratories**

Further to the Letter of Request for International Judicial Assistance (Dr. Paul Andrews) in relation to the above matter, we enclose the following documents:

- (i) Certificate of Senior Master Turner of the Queen's Bench Division of the Supreme Court of England and Wales dated 21 May 2007;
- (ii) original Order of the Queen's Bench Division of Her Majesty's High Court of Justice dated 15 March 2007, directing the examination of Dr. Andrews; and
- (iii) the examination and deposition of Dr. Andrews taken by Susan Prevezer QC on 4 April 2007 pursuant to the Order, together with the original Letter of Request.

Should you have any queries in relation to the above, please contact Matthew Page at this office (tel. +44 207 466 2063).

Yours faithfully,

Herbert Smith LLP

Encs.



**CERTIFICATE UNDER THE EVIDENCE  
(PROCEEDINGS IN OTHER JURISDICTIONS) ACT 1975**

**I Robert Lockley Turner**

**Senior Master of the Queen's Bench Division of the Supreme Court of**

**England and Wales HEREBY CERTIFY that the documents annexed hereto  
are**

**(1) the original order of the Queen's Bench Division of Her Majesty's High  
Court of Justice, dated the 15<sup>th</sup> day of March 2007 made in the matter of**

**John Hancock Life Insurance Company and Others -v- Abbott Laboratories**

**pending in the US District Court for the District of Massachusetts in USA**

**and directing the examination of certain witnesses to be taken**

**before Susan Prevezer QC**

**and**

**(2) the examination and deposition taken by the said Susan Prevezer QC**

**pursuant to the said order and duly completed by her on the**

**4<sup>th</sup> day of April 2007, together with the original Letter of**

**Request.**

**Dated this 21 day of May 2007**

*Robert Lockley Turner*

.....

**IN THE HIGH COURT OF JUSTICE**

**QUEEN'S BENCH DIVISION**

Claim No. ~~CR~~ 2007 - 149

MASTER ~~TURNER~~ EYRE

15<sup>TH</sup> MARCH 2007

**IN THE MATTER OF THE EVIDENCE (PROCEEDINGS IN OTHER JURISDICTIONS)  
ACT 1975**

**IN THE MATTER OF THE CIVIL PROCEDURE RULES, PART 34, RULE 34.17**

**AND IN THE MATTER OF A CIVIL MATTER NOW PENDING IN THE UNITED STATES  
DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS, CIVIL ACTION NO. 05-  
11150-DPW**

**BETWEEN:**

**(1) JOHN HANCOCK LIFE INSURANCE COMPANY**

**(2) JOHN HANCOCK VARIABLE LIFE INSURANCE COMPANY**

**(3) MANULIFE INSURANCE COMPANY (F/K/A/ INVESTORS PARTNER LIFE  
INSURANCE COMPANY)**

Plaintiffs

- and -

**ABBOTT LABORATORIES**

Defendant

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**~~draft~~/ORDER**

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**UPON READING** the application of the Plaintiffs, by application notice dated 15 March 2007;

**AND UPON READING** the witness statement of Laurence Shore dated 15 March 2007 and the Letter of Request exhibited thereto, and further to the proceedings that have been commenced before the United States District Court for the District of Massachusetts (Civil Action No. 05-11150-DPW), and it appearing that such Court wishes to obtain oral and documentary evidence from Dr. Paul

Andrews, who resides in the United Kingdom, in relation to the matters set out in the Letter of Request, for use at the trial of that matter;

**IT IS ORDERED** that:

1. Dr. Andrews shall produce to the Plaintiffs the documents identified on page 6 of the Letter of Request. They shall be produced at least one week prior to the date of the oral examination, that is by 28 March 2007. The Plaintiffs' English legal representatives, Herbert Smith LLP, shall collect and photocopy these documents (at the Plaintiffs' cost) on a date and time convenient to Dr. Andrews, and return the original documents to Dr. Andrews.
2. Dr. Andrews shall attend before Susan Prevezer QC, who is hereby appointed Examiner, at the offices of Herbert Smith LLP, Exchange House, Primrose Street, London, EC2A 2HS, at 9am on Wednesday, 4 April 2007, and shall there submit to be examined upon oath or affirmation for the purposes of his trial testimony only in connection with the topics listed on page 5 of the Letter of Request, as expanded by the non-exhaustive list of questions at Exhibit A to the Letter of Request;
3. The parties' legal representatives shall be permitted to ask questions relating to the documents produced by Dr. Andrews pursuant to this Order, in addition to those questions set out at Exhibit A to the Letter of Request;
4. The examination of Dr. Andrews shall be permitted to continue for up to 6 hours, as determined by the Plaintiffs' US Counsel, with the approval of the Examiner;
5. The Examiner permit the examination of Dr. Andrews to be conducted by the Plaintiff's US Counsel (Choate Hall & Stewart LLP), with the Defendants' US Counsel (Donnelly, Conroy & Gelhaar LLP and Munger, Tolles & Olson LLP), also to have the opportunity to ask questions;
6. The Plaintiffs' English legal representatives, Herbert Smith LLP, be permitted to attend the examination;
7. Dr. Andrews be permitted to have a legal adviser present during the examination, if he so wishes;
8. The procedure adopted for the examination of Dr. Andrews be that specified on pages 6 and 7 of the Letter of Request, save that the conduct of the examination of Dr. Andrews may follow American procedure so far as the same does not conflict with English procedure;

9. The Examiner cause the examination of Dr. Andrews to be videotaped (by a videographer) and recorded in writing (by a stenographer) and do sign the taped and written recordings (together with any exhibits, to be identified by the Examiner's signature) and do request that Dr. Andrews do sign the same, and make all necessary and proper arrangements for the transmission of the same to the United States District Court for the District of Massachusetts;
10. The Plaintiffs shall pay Dr. Andrews his reasonable expenses for attendance at the examination in accordance with section 2(5) of the Evidence (Proceedings in Other Jurisdictions) Act 1975;
11. Dr. Andrews and/or Abbott's US Counsel may make an application to set aside or vary this order provided that such application is filed within 7 days of service of this order on them.

DATED 15<sup>th</sup> March 2007

**IN THE HIGH COURT OF JUSTICE**

**QUEEN'S BENCH DIVISION**

**MASTER ~~TURNER~~ EYRE**

**16TH MARCH 2007**

**IN THE MATTER OF THE EVIDENCE (PROCEEDINGS IN OTHER JURISDICTIONS)  
ACT 1975**

**IN THE MATTER OF THE CIVIL PROCEDURE RULES, PART 34, RULE 34.17**

**AND IN THE MATTER OF A CIVIL MATTER NOW PENDING IN THE UNITED  
STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS, CIVIL  
ACTION NO. 05-11150-DPW**

**B E T W E E N :**

**(1) JOHN HANCOCK LIFE INSURANCE COMPANY**

**(2) JOHN HANCOCK VARIABLE LIFE INSURANCE COMPANY**

**(3) MANULIFE INSURANCE COMPANY (F/K/A/ INVESTORS PARTNER LIFE  
INSURANCE COMPANY)**

**Plaintiffs**

**- and -**

**ABBOTT LABORATORIES**

**Defendant**

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**~~draft~~ ORDER**

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